



HERITAGE LAW SPEAKING SERIES 2008/2009

**Estate Planning for High Net Worth Clients
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Heritage Law Speaking Series 2008/2009

- September 24, 2008 Estate Planning for High Net Worth Clients: The Essentials
- October 29, 2008 Family Law for High Net Worth Clients: The Essentials
- November 26, 2008 Estate Planning for Disabled Beneficiaries
- January 28, 2009 Second Marriages: Asset Protection and Estate Issues
- February 25, 2009 Dispelling the Myths of Separation and Divorce
- March 25, 2009 Estate Administration: The Essentials
- April 29, 2009 Estate Disputes and Litigation: What Clients Need to Know
- May 27, 2009 Family Law Dispute Resolution Options for Clients



The Three Ds

- **Disability:** Powers of Attorney and Representation Agreements
- **Divorce:** Co-Habitation Agreement/
Marriage Agreement
- **Death:** Will, Joint Tenancies, Designated Beneficiaries, Trusts



A. Disability/ Incapacity

1. Powers of Attorney
2. Representation Agreements
3. Patients Property Act



B. Divorce

- Co-Habitation Agreement
- Marriage Agreement



C. Death

Devolution of Property by Will or Intestacy

- Function of a Will
- Consequences of Dying Without a Will



- Property Affected by Will/Intestacy
- Property Not Affected by Will/Intestacy



Claims that Can be Made Against the Estate

- *Wills Variation Act*
- Undue Influence
- Lack of Testamentary Capacity



Testamentary Trusts for Different Types of Beneficiaries

- Spendthrift Trusts
- Special Needs Trusts
- Spousal Trusts
- Tax benefits (see slide 12)



Tax Planning

Probate Fee Avoidance

- Probate fees in B.C.
 - approximately 1.4% of gross estate
- Is probate necessary?



Strategies to Avoid Probate Fees

- Inter Vivos Gifts
- Transfer of Assets to a Trust
 - Alter Ego Trusts
 - Joint Spousal Trusts
- Joint Ownership of Property – many pitfalls!



Testamentary Trusts

- Income splitting
 - Investment income earned is taxed in the trust, rather than in the hands of the beneficiary, at the same graduated rates as an individual
- Creditor protection
- Beneficiaries retain control over assets



Inter Vivos Trusts

- Cottages
- Business Succession (Estate Freezes)



US Citizens & Other Jurisdictions

- Clarify where clients born
- Ensure client receives specialized tax advice





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Thank you!

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